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OFFICE OF PETITIONS ,

In re Application of :
Aninye, et al. :
Application No. 10/591,830 : ON PETITION
Filed: September 6, 2006 :
Atty Dckt No. 364433-000008 :

This is a decision on the "Petition to Correct Inventorship under 37 CFR 1.48(a)" filed on August 25, 2009, which is being treated as: (a) a petition under 37 CFR 1.48(a)(1) requesting that a person be added as inventor and (b) a petition under 37 CFR 1.183 waiver of the requirement under 37 CFR 1.48 that each actual inventor execute a declaration under 37 CFR 1.63.

The petition under 37 CFR 1.48 is **DISMISSED**.

The petition under 37 CFR 1.183 is also **DISMISSED**.

On September 6, 2009, the above-identified application was filed with an executed declaration naming Steve Aninye as the sole inventor.

On August 25, 2009, the instant petition was filed, whereby petitioners seek to add Yoganand Rajala as a joint inventor. Petitioners concurrently filed a petition requesting waiver of the requirement that all joint inventors execute a new declaration.

37 CFR 1.48(a) requires that an amendment to the named inventive entity be accompanied by:

(1) a petition including a statement from each person being added and each person being deleted as an inventor that the error occurred without deceptive intention on his or her part;

(2) an oath or declaration by each actual inventor or inventors as required by 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47;

(3) the fee set forth in 37 CFR 1.17(i), and

(4) the written consent of any existing assignee, if any of the originally named inventors has executed an assignment.

The petition under 37 CFR 1.48 has satisfied all of the requirements of 37 CFR 1.48 set forth above, except the requirement for a declaration under 37 CFR 1.63. The satisfaction of this requirement is addressed by the petition under 37 CFR 1.183.

Suspension of the rules under 37 CFR 1.183 may be granted in an "extraordinary situation, when justice requires." The facts presented on the record do adequately establish an extraordinary situation in that petitioner has established that inventor Aninye has refused to execute the declaration required by 37 CFR 1.48.

The petition under 37 CFR 1.183 cannot be granted because the fee for the petition in the amount of \$400.00 was not present and neither was a conspicuous authorization to charge a deposit account for any deficient amount. Petitioner must remit an additional \$200.00 for the petition fee in order for the petition under 37 CFR 1.183 to be granted.

The petition under 37 CFR 1.48 cannot be granted because the petition under 37 CFR 1.183 is not grantable because of the deficient fee amount.

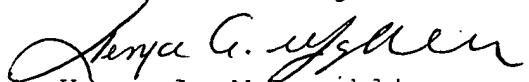
The renewed petitions need not be accompanied by all the documentation filed with the instant petition. Petitioner need only file a cover letter indicating that the petitions under 37 CFR 1.48 and 1.183 are being renewed accompanied by an additional \$200.00 for the petition under 37 CFR 1.183.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
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P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3222.



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Office of Petitions